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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,179	07/22/2005	Frank Fischer	S3-03P07121	5602
24131	7590	07/06/2007	EXAMINER	
LERNER GREENBERG STEMER LLP			NGUYEN, HUNG T	
P O BOX 2480			ART UNIT	PAPER NUMBER
HOLLYWOOD, FL 33022-2480			2612	
MAIL DATE		DELIVERY MODE		
07/06/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/543,179	FISCHER ET AL.	
	Examiner HUNG T. NGUYEN	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 July 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 11-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 11-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 July 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 7/22/05 & 8/16/05.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### 1. In the Specification:

The Specification of the invention is objected because applicant failed to provide the HEADINGS of the invention including as Background of the invention, Summary of the invention, Brief description of the drawings, Description of the embodiments.

### *Claim Rejections - 35 USC § 102*

### 2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 11-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Fischer et al. (U.S. 6,690,271).

Regarding claim 11, Fischer discloses a method of locating positions of transmitters (7a,9a,11a,13a) are attached to four wheels (15,17,19,21) of vehicle (1) [ fig.1, col.6, lines 42-56 ] comprising:

- a first transmitter group includes transmitters as (11a,13a) with identifier at a rear axle [ fig.1, col.6, lines 50-61 ];
- a second transmitter group includes transmitters as (7a,9a) with identifier at front axle [ fig.1, col.6, lines 50-61 ];
- a receiver (23) with antenna for receiving signals by wireless from the transmitter groups [ fig.1, col.6, line 63 to col.7, line 4 ];
- the receiver (23) coupled with a controller (5) to control & evaluate the parameter to be monitored / the wheels digital information signals [ fig.1, col.6, line 63 to col.7, line 4 ];
- the receiver (23) measure for an average signal power of the received modulated signal with time interval [ col.2, lines 55-67 and col.7, lines 38-55 ];
- the controller (5) may store signature information as discrete or continuous profile and compare them corresponding stored characteristics variables with maximum and minimum values has been programmed or stored in the memory [ fig.3a, col.4, lines 36-65 and col.8, lines 48-57 and col.9, line 36 to col.10, line 8 ].

Regarding claim 12, The controller (5) may store angle information item as an assignment [ col.3, lines 2-7 and col.4, lines 37-44 ].

Regarding claims 13-21, Fischer discloses the receiver (23) with antenna for receiving signals by wireless from the transmitter groups [ fig.1, col.6, line 63 to col.7, line 4 ];

- the receiver (23) coupled with a controller (5) to control & evaluate the parameter to be monitored / the wheels digital information signals [ fig.1, col.6, line 63 to col.7, line 4 ];
- the receiver (23) measure for an average signal power of the received modulated signal with time interval [ col.2, lines 55-67 and col.7, lines 38-55 ];
- the controller (5) may store signature information as discrete or continuous profile and compare them corresponding stored characteristics variables with maximum and minimum values has been programmed or stored in the memory [ fig.3a, col.4, lines 36-65 and col.8, lines 48-57 and col.9, line 36 to col.10, line 8 ].

Regarding claim 22, Fischer discloses the monitoring & locating positions of transmitters (7a,9a,11a,13a) are attached to four wheels (15,17,19,21) of vehicle (1) [ fig.1, col.6, lines 42-56 ].

Regarding claims 23-28, Fischer discloses a method of locating positions of transmitters (7a,9a,11a,13a) are attached to four wheels (15,17,19,21) of vehicle (1) [ fig.1, col.6, lines 42-56 ] comprising:

- a first transmitter group includes transmitters as (11a,13a) with identifier at a rear axle [ fig.1, col.6, lines 50-61 ] comprising:
  - a second transmitter group includes transmitters as (7a,9a) with identifier at front axle [ fig.1, col.6, lines 50-61 ];
  - a receiver (23) with antenna for receiving signals by wireless from the transmitter groups [ fig.1, col.6, line 63 to col.7, line 4 ];
  - the receiver (23) coupled with a controller (5) to control & evaluate the parameter to be monitored / the wheels digital information signals [ fig.1, col.6, line 63 to col.7, line 4 ];
  - the receiver (23) measure for an average signal power of the received modulated signal with time interval [ col.2, lines 55-67 and col.7, lines 38-55 ];
  - the controller (5) may store signature information as discrete or continuous profile and compare them corresponding stored characteristics variables with maximum and minimum values has been programmed or stored in the memory [ fig.3a, col.4, lines 36-65 and col.8, lines 48-57 and col.9, line 36 to col.10, line 8 ].

### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hernando et al. (U.S. 6,922,140).
- Tabata et al. (U.S. 6,960,994).
- Kanatani et al. (U.S. 7,032,441).
- Nicot et al. (U.S. 7,196,615).
- Stewart et al. (U.S. 2006/0017554).

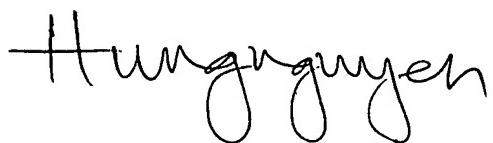
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982. The examiner can normally be reached on Monday to Friday from 9:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffrey can be reached on (571) 272-2981. The fax phone number for this Group is (571) 273-8300.

Art Unit: 2612

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

HUNG NGUYEN  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "Hung Nguyen".

Examiner: Hung T. Nguyen

Date: June 28, 2007